

OCT 16 1978

IN THE SUPREME COURT OF THE
UNITED STATES

October Term, 1978

No. ---78-556

HAROLD BLOCH, BERNARD BLOCH,
JOAN BLOCH, ROSALYN BLOCH
and NARUTH CORP.,

Petitioners,

vs.

ETHYLE BLOCH,

Respondent.

S U P P L E M E N T A L A P P E N D I X

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Memorandum and Order

MEMORANDUM AND ORDER

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

ETHYLE BLOCH,
Plaintiff,

vs.

**HAROLD BLOCH, BERNARD BLOCH,
JOAN BLOCH, ROSALYN BLOCH,
NARUTH CORP. and THE BANK OF
NOVA SCOTIA,**
Defendants.

Civil No. 71/31
Action For
Divorce, Custody
and Support
of Child

MEMORANDUM AND ORDER

THOMAS ALKON, ESQ.
Isherwood, Colianni, Alkon & Barnard, Esqs.
46 King Street
Christiansted, St. Croix
— For Plaintiff

ALBERT A. SHEEN, ESQ.
Hodge & Sheen, Esqs.
46-47 Company Street
Christiansted, St. Croix
— For Defendant Naruth Corporation

ROBERT H. RUSKIN, ESQ.
46 King Street
Christiansted, St. Croix
— For Defendant Bank of Nova Scotia

Memorandum and Order

BERNARD BLOCH, *pro se*
 18586 Capitol Drive
 Southfield, Michigan 48075

JOSEPH, District Judge
 Sitting by Designation

This matter came on for hearing April 22, 1977, on plaintiff's motion to enforce this Court's order of June 6, 1975, by requiring the defendant, Harold Bloch, to convey to the plaintiff, Ethyle Bloch, his former wife, his ownership in Plot No. 22 Estate Golden Rock, St. Croix, and Lot 243A Estate Golden Rock, St. Croix.¹

Prior to hearing, the Court required plaintiff to serve a summons and a copy of said motion upon all named defendants so that each of the parties could assert any claim it might have regarding title to the subject properties. Defendant Naruth Corporation is the record title holder of Lot 243A Estate Golden Rock. Defendants Bernard Bloch, Joan Bloch and Rosalyn Bloch are the record title holders of Plot No. 22 Estate Golden Rock. Defendant Bank of Nova Scotia holds a first mortgage on Plot No. 22 Estate Golden Rock. All defendants were properly served.

Plaintiff appeared personally and by her attorneys, Isherwood, Colianni, Alkon and Barnard (Thomas, Alkon, Esquire, of counsel). The Bank of Nova Scotia appeared through its attorney, Robert Ruskin. Defendant Harold Bloch failed to appear. Bernard Bloch appeared *pro se*. Rosalyn Bloch and Joan Bloch failed to appear. Naruth

Memorandum and Order

Corporation, through counsel Albert Sheen, Esquire, filed a special appearance for the purpose of attacking the Court's personal jurisdiction over Naruth Corporation.

Defendant Naruth Corporation, through counsel, argued that it had not properly been served and that the Court lacked personal jurisdiction over Naruth Corporation. The Court, noting that Naruth Corporation had been properly served by publication pursuant to a previous order of the Court, overruled the contention of Naruth Corporation that it was not properly before the Court. Counsel for Naruth Corporation then withdrew from the case.

The Court then heard testimony regarding the ownership of Lot 243A Estate Golden Rock. Plaintiff testified that in 1968, her then husband, Harold Bloch, entered into a contract of purchase with the owners of said lot, Eric and Jennie Lawaetz. Said contract was admitted into evidence and showed that the purchaser was Harold Bloch. Plaintiff testified that her former husband sent the funds for the down payment and subsequent installments to his family in Michigan where the family corporation, Naruth Corporation, would, in turn, send its checks to St. Croix, made payable to the sellers in amounts necessary to comply with the installments called for in the purchase contract.

Thereafter, on April 24, 1973, Defendant Harold Bloch, upon payment of the final installment under the contract of purchase by Naruth Corporation, instructed the seller to prepare the deed to the said property in the name of Naruth Corporation rather than in his own name. This was done and a deed to Lot 243A Estate Golden Rock in the name of Naruth Corporation was duly recorded in the Office of the Recorder of Deeds, Christiansted, St. Croix.

Bernard Bloch, an officer and one-third shareholder in Naruth Corporation, appearing *pro se*, cross-examined

¹ The order of June 6 awarded plaintiff alimony in gross of \$100,000. Defendant was ordered as of that date to pay the money forthwith or to deed the above-numbered plots to plaintiff. An appeal to the Third Circuit was dismissed.

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Memorandum and Order

plaintiff but chose not to introduce any evidence on his own behalf or on behalf of Naruth Corporation.

This Court, after hearing all of the evidence concludes that Harold Bloch's having transferred title to Lot 243A to Naruth Corporation on April 24, 1973 was violative of this Court's prior order of October, 1971, which enjoined Harold Bloch from disposing of any real property in which he had a beneficial interest until the termination of these proceedings. Further, this Court finds that the transaction of April 24, 1973, between Harold Bloch and Naruth Corporation was part of a scheme of Harold Bloch, Bernard Bloch, Joan Bloch, Rosalyn Bloch and Naruth Corporation to enable Harold Bloch to secret his ownership in his real estate for the purpose of impairing any rights which plaintiff might have had in said properties. This scheme was merely part of an overall scheme condemned by this Court earlier and by Judge Green in Civil No. 73/141, wherein the Court turned back a similar attempt on the part of those same defendants to destroy any rights of the plaintiff in Plot No. 22 Estate Golden Rock.

Accordingly, the Court finds that Naruth Corporation did not, at the time of the transfer of Lot 243A Estate Golden Rock by deed dated April 24, 1973, nor at any time subsequent thereto, become owners of the said property. Harold Bloch has been at all times relevant to this proceeding, owner of Lot 243A Estate Golden Rock. Naruth Corporation's name appears on the deed as grantee only as an accommodation to Harold Bloch, and Naruth Corporation has no ownership interest in the said property. Naruth Corporation has combined with Harold Bloch to help him avoid a lawful order of this Court.

This Court after the taking of testimony is reinforced in its prior holding, that Harold Bloch is the owner of Plot

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Memorandum and Order

No. 22 Estate Golden Rock, which is identical to Judge Green's decision in Civil No. 73/141.

ORDER

For the reasons stated in the foregoing memorandum, it is hereby

ORDERED that defendant Harold Bloch execute good and valid deeds conveying to plaintiff Ethyle Bloch all right, title and interest to Plot No. 22 Estate Golden Rock, St. Croix, and Lot 243A Estate Golden Rock, St. Croix, within 30 days from the date of the entry of this order; and it is further

ORDERED that if defendant Harold Bloch fails to execute such deeds, a Clerk of this Court, pursuant to this order, shall execute such deeds to conform to the order of this Court.

Dated this 30th day of June, 1977.

(s) Antoine L. Joseph
Judge
Sitting by Designation

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Judgment Order

JUDGMENT ORDER

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 77-2073

ETHEL BLOCH

vs.

HAROLD N. BLOCH, ET AL

HAROLD BLOCH, BERNARD BLOCH, JOAN BLOCH,
ROSALYN BLOCH, and NARUTH CORP.
Appellants

(D.C. Civil No. 31-71)

ON APPEAL FROM THE DISTRICT OF THE
VIRGIN ISLANDS DIVISION OF ST. CROIX

Submitted Under Third Circuit Rule 12(6)
April 25, 1978

Before GIBBONS, GARTH and HIGGINBOTHAM,
Circuit Judges

Thomas Alkon, Esquire
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Virgin Islands 00820
Attorney for Appellee Ethel Bloch

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Judgment Order

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Southfield, Michigan 48705
Attorney for Harold Bloch, Joan Bloch,
Dorothy Bloch, Rosalyn Bloch & Naruth
Corp.

Bernard Bloch, Pro Se
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Bloomfield Hills, Michigan 48013

JUDGMENT ORDER

Appellants Harold N. Bloch, Bernard Bloch, Joan Bloch, Rosalyn Bloch, and Naruth Corporation appeal from an order of the District Court of the Virgin Islands ordering that Harold Bloch, owner of Plot 22, Estate Golden Rock, St. Croix, and Lot 243A, Estate Golden Rock, St. Croix, convey said properties to Ethel Bloch, in lieu of paying her \$100,000 alimony in gross. The court had jurisdiction over the parties, its findings of fact are not clearly erroneous, and we find no legal error.

It is therefore ORDERED and ADJUDGED that the judgment of the district court is affirmed. Costs to be taxed in favor of appellee.

By the Court,
(s) John J. Gibbons
Circuit Judge

Attest
(s) Thomas F. Quinn
Clerk

Dated: May 8, 1978

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Judgment Order

Certified as a true copy and issued in lieu of a formal
mandate on July 11, 1978.

Test:

Thomas F. Quinn
Clerk, United States Court of Appeals
for the Third Circuit

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Sur Petition for Rehearing Before Original Panel

**SUR PETITION FOR REHEARING BEFORE
ORIGINAL PANEL**

**UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

NO. 77-2073

ETHEL BLOCH

vs.

HAROLD N. BLOCH, ET AL
HAROLD BLOCH, BERNARD BLOCH, JOAN BLOCH,
ROSALYN BLOCH, and NARUTH CORP.
Appellants

(D.C. Civil No. 31-71)

**SUR PETITION FOR REHEARING
BEFORE ORIGINAL PANEL**

Present: GIBBONS, GARTH and HIGGINBOTHAM,
Circuit Judges

The petition for rehearing filed by Appellants in the
above entitled case having been submitted to the judges
who participated in the decision of this Court, it is

ORDERED that the petition for panel rehearing is de-
 nied.

BY THE COURT,

(s) John J. Gibbons
Circuit Judge

DATED: July 3, 1978